

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
COURT FILE NO.: 1:07-CV-97-WKW**

RUBY STREETER

Plaintiff,

v.

OFFICE OF DOUGLAS R. BURGESS, LLC.
&
DOUGLAS R. BURGESS, ESQ,
INDIVIDUALLY,

Defendants.

**PLAINTIFF'S AMENDED MOTION
TO COMPEL DISCOVERY
RESPONSES FROM DEFENDANTS**

Plaintiff Ruby Streeter moves this Honorable Court for an Order pursuant to Fed.R.Civ.P. 37(a) to compel Defendants to provide response to Request for Production of Documents, specifically Request #6, the response to which was not included in Defendants' responses, received July 26, 2007. In support of said motion, Plaintiff avers as follows:

1. On July 10, 2007 Plaintiff filed a Motion to Compel Discovery.
2. Defendants served its' responses on Plaintiff on July 24, 2007.
3. Request for Production #6 requests the personnel and employment file for every Defendants who is a natural person. The Defendants have identified John Washington, a former employee whose whereabouts are unknown, as the person who allegedly had contact with the Plaintiff made the basis of this complaint. The Plaintiff is entitled to and requires John Washington's personnel file to review his work performance as well as assisting with the location of said individual since the Defendants proffer it has no knowledge of his whereabouts.
4. Pursuant to Fed.R.Civ.P. 37(a) Plaintiff hereby respectfully moves this Court for an order:
 - a. compelling Defendants to provide full responses to Request for Production #6 immediately;

b. ordering that the Defendants pay \$675.00 as fees and costs incurred by counsel for the Plaintiff in bringing this motion.

Dated: July 26, 2007

Respectfully submitted,
BROCK & STOUT, LLC

By: **s/Gary W. Stout**
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P. O. Box 311167
Enterprise, AL 36331-1167
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Attorney for Plaintiff

CERTIFICATION

I, Gary W. Stout, certify that the averments of the within motion are true and correct. The documents appended are true copies of the originals which were filed. If any statement is willfully false, I am subject to punishment.

Dated: July 26, 2007

Respectfully submitted,

BROCK & STOUT, LLC

By: **s/Gary W. Stout**

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Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2007, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to:

William McCollum Halcomb, Esq., Halcomb & Wertheim, P.C., P. O. Box 12005, Birmingham, AL 35202-2005, mac@hw-al.com & India Ramey, Esq., Halcomb & Wertheim, P.C., P. O. Box 12005, Birmingham, AL 35202-2005, iramey@hw-al.com.

Said document is available for viewing and downloading from the ECF system.

Dated: July 26, 2007

Respectfully submitted,

BROCK & STOUT, LLC

By: **s/Gary W. Stout**

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